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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,495

09/26/2005

Shinji Furusho

YOSHID0020

4349

24203 7590 03/12/2008

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EXAMINER

DANG, THANH HA T

ART UNIT

PAPER NUMBER

2163

MAIL DATE

DELIVERY MODE

03/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,495	Applicant(s) FURUSHO, SHINJI	
	Examiner Thanh-Ha Dang	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-15 are pending.

Information Disclosure Statement

2. The information disclosure statement filed 02/26/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Please see attachment form 1449/PTO for details.

Claim Objections

3. Claims 1-2, 4-7 and 9-15 are objected to because of the following informalities:
 - Claim 1 recites in step c) "... that should be made ...": wherein the phrase "should be" is not a positive limitation.
 - Claim 1 recites in step e) "... a record the master ...": missing a word or need to update to "a record on the master".
 - Claim 1 recites in step g) "... that need to be ...": is not a positive limitation.
 - Claim 1 recites in step h) line 1 "... to be ...": is not a positive limitation.
 - Claim 2 recites on line 4 "... for indicating ..." wherein usage of "for" is intended use, and therefore usage of 'for' is not recommended.

- Claim 4 line 5 recites “, as each of the elements;” : it is not clear what "as each ..." related to, corresponded to, or distinctly pointed to.
- Claim 5 lines 3 and 4 recite “... should be made ...”: wherein the phrase “should be” is not a positive limitation.
- Claim 6 recites in step c) “... that should be made ...”: wherein the phrase “should be” is not a positive limitation.
- Claim 6 recites in step e) “... a record the master ...”: missing a word or need to update to “a record on the master”.
- Claim 6 recites in step g) “... that need to be ...”: is not a positive limitation.
- Claim 6 recites in step h) line 1 “... to be ...”: is not a positive limitation.
- Claim 7 recites on line 4 “... for indicating ...” wherein usage of “for” is intended use, and therefore usage of 'for' is not recommended.
- Claim 9 line 5 recites “, as each of the elements;” : it is not clear what "as each ..." related to, corresponded to, or distinctly pointed to.
- Claim 10 lines 3 and 4 recite “... should be made ...”: wherein the phrase “should be” is not a positive limitation.
- Claim 11 lines 2 and 4 recite “... should be made ...”: wherein the phrase “should be” is not a positive limitation.
- Claim 12 lines 2 and 4 recite “... should be made ...”: wherein the phrase “should be” is not a positive limitation.
- Claim 13 lines 3 and 4 recite “... should be made ...”: wherein the phrase “should be” is not a positive limitation.

- Claim 14 lines 3 and 4 recite "... should be made ...": wherein the phrase "should be" is not a positive limitation.
- Claim 15 lines 3 and 4 recite "... should be made ...": wherein the phrase "should be" is not a positive limitation.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 6 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 6 recites a program that is software per se, and therefore is non-statutory.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Paragraph a) of Claim 1 recites ", each containing ..." that is unclear what "each" distinctly point to or correspond to ?

Claim 1 recites the limitation “the specified information blocks” in steps d) and e) that is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation “the value lists” in step e) that is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation “the former” in step f) that is insufficient antecedent basis for this limitation in the claim.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Paragraph a) of Claim 6 recites “, each containing ...” that is unclear what “each” distinctly point to or correspond to ?

Claim 6 recites the limitation “the computer” in line 4 that is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation “the specified information blocks” in steps d) and e) that is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation “the value lists” in step e) that is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation “the former” in step f) that is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

6. Claims 1-15 would be allowable if rewritten to overcome the claim rejections under 35 USC §112 (2nd paragraph), the claim rejections under 35 USC § 101, and the Claim Objections set forth in this Office action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Ha Dang whose telephone number is (571)272-4033. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thanh-Ha Dang
Examiner, AU 2163
February 29, 2008

/don wong/
Supervisory Patent Examiner, Art Unit 2163